

Message Text

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ACTION EA-14

INFO OCT-01 ISO-00 SS-20 SCA-01 VO-03 L-03 PER-05 NSC-10

NSCE-00 CPR-02 SCS-03 CIAE-00 INR-10 NSAE-00 RSC-01

A-01 OPR-02 SAJ-01 DRC-01 PM-07 SPC-03 OC-06 CCO-00

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R 180840Z OCT 73

FM USLO PEKING

TO SECSTATE WASHDC 858

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E.O. 11652: N/A

TAGS: CGEN, PFOR

SUBJ: US/PRC CONSULAR RELATIONS

REF: STATE 199603

BEGIN SUMMARY

USLO OFFICIALS MET WITH MFA CONSULAR OFFICIALS OCTOBER 17, BUT DID NOT INFORM MFA THAT US AGREES TO PROCEDURES PREVIOUSLY DISCUSSED TO HANDLE CONSULAR AFFAIRS SINCE CHINESE SAID IN RESPONSE TO POINTS PRESENTED PER PARA 1 AND 2 REFTEL THAT HOW THEY WOULD RESPOND TO QUESTION CONCERNING US/PRC "CONSULAR RELATIONS" WOULD HAVE TO BE REFERRED TO "SUPPERIORS". END SUMMARY

1. FOLLOWING IS TEXT OF MEMCON OF OCTOBER 17 MEETING BETWEEN TIENT P'ING, DIRECTOR, CONSULAR DEPARTMENT, MFA, AND OTHER CONSULAR OFFICIALS AND DC HOLDRIDGE AND USLO OFFICIALS.

2. BEGIN TEXT. IN RESPONSE TO INSTRUCTIONS IN STATE 199603, USLO REQUESTED A MEETING WITH MFA CONSULAR OFFICIALS TO CONTINUE DISCUSSIONS FOR US/PRC CONSULAR ACTIVITIES.

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3. DC HOLDRIDGE BEGAN AND REFERRED TO THE POINTS RAISED IN PREVIOUS MEETING ON SEPTEMBER 19. HE SAID THAT THE US SIDE AGREES THAT THE TERM "CONSULAR OFFICER" WILL NOT BE USED ON THE VISAS ISSUED BY THE LIAISON OFFICE.

4. HOLDRIDGE THEN SAID THAT WITH REGARD TO THE DISCUSSIONS CONCERNING "CONSULAR RELATIONS," THE UNITED STATES HOPES TO BE ABLE TO AVOID THE USE OF THAT TERM, IF POSSIBLE, EVEN IF QUERIED BY A COURT. HE SAID THAT HE HOPED THE SITUATION WOULD NOT ARISE. AS THE US HAD PREVIOUSLY NOTED, HOWEVER, IF PRESSED FOR A DIRECT "YES" OR "NO" ANSWER TO THE QUESTION ABOUT THE EXISTENCE OF SUCH "CONSULAR RELATIONS" THE US AUTHORITIES WOULD HAVE TO ANSWER AFFIRMATIVELY. HOLDRIDGE SAID THAT THERE ARE APPLICABLE LAWS WHICH WE WERE BOUND TO OBSERVE.

5. UNDER SUCH CIRCUMSTANCES, HOLDRIDGE CONTINUED, IT IS POSSIBLE THAT THE ANSWER WOULD NOT BECOME PUBLIC, BUT WE COULD NOT GUARANTEE THAT.

6. HOLDRIDGE SAID THAT FROM OUR STANDPOINT, WE REGARD THIS AS RELATIVELY IMPORTANT SINCE A US OR A PRC DENIAL OF THE EXISTENCE OF "CONSULAR RELATIONS" COULD AFFECT THE LEGALITY, IN THE VIEW OF THE US COURTS, OF CERTAIN ACTIONS TAKEN BY US OFFICIALS PERFORMING CONSULAR FUNCTIONS IN PEKING. HOLDRIDGE SAID THAT THIS COULD ALSO AFFECT THE LEGALITY OF ACTIONS TAKEN BY OFFICIALS OF THE PRC PERFORMING CONSULAR FUNCTIONS IN THE US IN THE EYES OF THE US COURTS.

7. THUS IT WOULD BE IN OUR MUTUAL INTEREST, HE CONTINUED, NOT TO HAVE EITHER PARTY DIRECTLY DENY THE EXISTENCE OF SUCH RELATIONS IF THIS QUESTION SHOULD ARISE. HE SAID HE WOULD LIKE TO STRESS THIS ASPECT OF MUTUAL INTEREST. IF THIS QUESTION OF CONSULAR RELATIONS SHOULD ARISE WE WOULD HOPE THAT THE PRC WOULD NOT ISSUE A DIRECT DENIAL.

8. HE REPEATED HE HOPED THAT THE CHINESE AUTHORITIES, IF ASKED, WOULD PHRASE THEIR RESPONSE IN SUCH A WAY AS TO AVOID A DIRECT DENIAL OF THE EXISTENCE OF SUCH RELATIONS.
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9. HE SAID THE US FULLY UNDERSTANDS THE CONCERNs OF THE PRC ON THIS ISSUE AND THAT WE HOPE TO THE EXTENT THAT WE POSSIBLY CAN TO TAKE THESE CONCERNs INTO ACCOUNT.

10. TIEN PING REPLIED TO THIS PRESENTATION, SAYING THAT THE US SIDE HAD JUST GIVEN ITS REPLY TO TWO QUESTIONS RAISED AT THE PREVIOUS MEETING. FIRST, THE US SIDE AGREED

THAT THE WORDS "CONSULAR OFFICER" WILL NOT APPEAR ON VISAS.
HE SAID THAT THE CHINESE APPRECIATE THE STEPS THE US IS
GOING TO TAKE ON THIS POINT.

11. ON THE SECOND POINT, AND WITH REGARD TO AN INQUIRY
BY A US COURT ON THE QUESTION OF "CONSULAR RELATIONS"
THE CHINESE SIDE HAS TAKEN NOTE OF THE US GOVERNMENT'S
POSITION ON THIS SUBJECT. HE SAID THAT THE CHINESE SIDE
APPRECIATED WHAT HAD BEEN SAID CONCERNING THE REPLY WHICH
WOULD BE MADE AND HAVE TAKEN NOTE OF THE CONSEQUENCES
SHOULD SUCH AN INQUIRY ARISE IN THE US COURTS.

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ACTION EA-14

INFO OCT-01 ISO-00 SS-20 SCA-01 VO-03 L-03 PER-05 NSC-10

NSCE-00 CPR-02 SCS-03 CIAE-00 INR-10 NSAE-00 RSC-01

A-01 OPR-02 SAJ-01 DRC-01 PM-07 SPC-03 OC-06 CCO-00

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12. TIEN PING SAID THAT HE BELIEVED THAT HOLDRIDGE WAS
CLEAR ON THE POINT WHICH HAD BEEN REITERATED MANY TIMES,
I.E. THAT IF AN AFIRMATIVE ANSWER WERE GIVEN BY THE US
TO SUCH A QUESTION IT WOULD NOT CONFORM TO THE ACTUAL,
PRESENT STATE OF RELATIONS BETWEEN THE US AND THE PRC.
HE SAID THAT THE US HAD SAID THAT IF PRESSED, IT WOULD
HAVE TO MAKE AN AFFIRMATIVE REPLY. IF THE US GIVES AN
AFFIRMATIVE REPLY, TIEN PING ASKED, RHETORICALLY, WHAT
ATTITUDE SHOULD CHINA ADOPT. TIEN PING SAID THIS QUESTION
WOULD HAVE TO BE REFERRED TO HIS SUPERIORS.

13. HE THEN CONTINUED, THAT ALTHOUGH THE RESPONSE TO AN INQUIRY WOULD BE AN INTERNAL MATTER FOR THE US, THE CHINESE HOPED THAT IF A REPLY HAD TO BE MADE THAT THE US SHOULD BEAR IN MIND THE ACTUAL STATE OF RELATIONS AND DEAL WITH THE QUESTION ACCORDINGLY.

14. HOLDRIDGE SAID THAT WE HOPED TO AVOID A DIRECT AFFIRMATIVE ANSWER, BUT WE CANNOT GUARANTEE THAT WE CAN AVOID SUCH A REPLY.

15. TIEN P'ING REPEATED THAT THE QUESTION WAS AN INTERNAL MATTER BUT THE POSITION THAT THE CHINESE WOULD ASSUME LIMITED OFFICIAL USE

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WOULD HAVE TO BE REFERRED TO HIS SUPERIORS.

16. HOLDRIDGE SAID THAT THERE WAS AN ADDITIONAL MATTER WHICH HAD BEEN DISCUSSED AT THE PREVIOUS MEETING CONCERNING PORTS-OF-ENTRY AND COURIER VISAS. HOLDRIDGE SAID THAT THIS MATTER WAS STILL UNDER CONSIDERATION AND THAT USLO ANTICIPATED AN EARLY REPLY.

17. TIEN P'ING THEN ASKED IF IT COULD BE UNDERSTOOD THAT WE ARE AGREED ON THE DESIGNATION OF AN OFFICER TO PERFORM CONSULAR FUNCTIONS CONCURRENTLY WITH HIS OTHER DUTIES.

18. HOLDRIDGE SAID THAT HE BELIEVED THAT THERE WAS AN AGREEMENT IN PRINCIPLE BUT THAT THE CIRCUMSTANCES OF TODAY'S DISCUSSION WOULD BE REPORTED TO WASHINGTON BEFORE CONFIRMING TIEN'S P'ING'S UNDERSTANDING.

19. TIEN P'ING REPLIED THAT BOTH SIDES WOULD REPORT TO THEIR RESPECTIVE SUPERIORS AND WOULD BE IN CONTACT AGAIN.

20. HOLDRIDGE CLOSED BY EXPRESSING OUR APPRECIATION FOR THE MEETING, AND TIEN P'ING RECIPROCATED SAYING THAT HE WAS PLEASED THAT IN THE PAST FEW DISCUSSIONS A SPIRIT OF COOPERATION HAD BEEN MANIFESTED BY BOTH SIDES.

21. COMMENT: USLO HAS THE IMPRESSION THAT THE CHINESE ARE ANXIOUS TO REACH AGREEMENT ON THIS MATTER AND THAT TIEN P'ING WAS SLIGHTLY DISAPPOINTED BY OUR FAILURE TO CONCUR. ON THE LAST EXCHANGE, THE ACTUAL CHINESE WAS "MANY DISCUSSIONS" WHICH THE INTERPRETER SOFTENED.

22. IN VIEW OF TIEN P'ING'S DESIRE TO OBTAIN CLARIFICATION OF THE POSITION WHICH THE CHINESE WOULD TAKE IF THE QUESTION OF "CONSULAR RELATIONS" AROSE, USLO DECIDED NOT TO INFORM THE CHINESE THAT THE US AGREED TO PROCEED TO HANDLE CONSULAR AFFAIRS IN ACCORDANCE WITH OUR PREVIOUS

DISCUSSIONS. END COMMENT. END TEXT.

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